



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBa0442/1  
MCP/ZDW/EAW:all

**SENATE AMENDMENT 1,  
TO SENATE BILL 188**

August 12, 2019 - Offered by Senators TESTIN and L. TAYLOR.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 5: delete the material beginning with “granting” and ending  
3 with “appropriation” on line 6 and substitute “and granting rule-making authority”.

4 **2.** Page 4, line 1: delete the material beginning with that line and ending with  
5 page 7, line 4, and substitute:

6 “**SECTION 4m.** 23.33 (1) (jo) 5. of the statutes is amended to read:

7 23.33 (1) (jo) 5. Delta-9-tetrahydrocannabinol, excluding its precursors or  
8 metabolites, at a concentration of one or more nanograms per milliliter of a person’s  
9 blood.

10 **SECTION 7m.** 23.335 (1) (zgm) 5. of the statutes is amended to read:

11 23.335 (1) (zgm) 5. Delta-9-tetrahydrocannabinol, excluding its precursors or  
12 metabolites, at a concentration of one or more nanograms per milliliter of a person’s  
13 blood.

1           **SECTION 10m.** 30.50 (10m) (e) of the statutes is amended to read:

2           30.50 **(10m)** (e) Delta-9-tetrahydrocannabinol, excluding its precursors or  
3 metabolites, at a concentration of one or more nanograms per milliliter of a person's  
4 blood.".

5           **3.** Page 13, line 13: before "No person may" insert "The department, with the  
6 assistance of the department of justice, shall, if required for federal authorization of  
7 this state's hemp program, conduct a background investigation of any person who  
8 applies to the department to produce hemp in this state, which shall include  
9 requiring the person to be fingerprinted on 2 fingerprint cards each bearing a  
10 complete set of the person's fingerprints, or by other technologies approved by law  
11 enforcement agencies. The department of justice shall submit any such fingerprint  
12 cards to the federal bureau of investigation for the purposes of verifying the identity  
13 of the person fingerprinted and obtaining records of his or her criminal arrests and  
14 convictions."

15           **4.** Page 13, line 15: delete "holds" and substitute "held".

16           **5.** Page 13, line 17: delete the material beginning with "the effective date" and  
17 ending with "[LRB inserts date]" on line 18 and substitute "December 20, 2018, and  
18 the felony conviction occurred prior to that date".

19           **6.** Page 16, line 18: delete the material beginning with that line and ending  
20 with page 18, line 2, and substitute:

21           **"SECTION 44m.** 340.01 (50m) (e) of the statutes is amended to read:

22           340.01 **(50m)** (e) Delta-9-tetrahydrocannabinol, excluding its precursors or  
23 metabolites, at a concentration of one or more nanograms per milliliter of a person's  
24 blood.

1           **SECTION 47m.** 343.305 (8) (b) 4m. a. of the statutes is amended to read:

2           343.305 (8) (b) 4m. a. A blood test administered in accordance with this section  
3 indicated that the person had a detectable amount of methamphetamine, or  
4 gamma-hydroxybutyric acid, or a concentration of one or more nanograms of  
5 delta-9-tetrahydrocannabinol, excluding its precursors or metabolites, per  
6 milliliter of the person's blood but did not have a detectable amount of any other  
7 restricted controlled substance in his or her blood.”.

8           **7.** Page 18, line 5: delete the material beginning with that line and ending with  
9 page 20, line 2, and substitute:

10           **“SECTION 52m.** 350.01 (10v) (e) of the statutes is amended to read:

11           350.01 (10v) (e) Delta-9-tetrahydrocannabinol, excluding its precursors or  
12 metabolites, at a concentration of one or more nanograms per milliliter of a person's  
13 blood.

14           **SECTION 54g.** 446.01 (2) (a) of the statutes is amended to read:

15           446.01 (2) (a) To examine into the fact, condition, or cause of departure from  
16 complete health and proper condition of the human; to treat without the use of drugs  
17 as defined in s. 450.01 (10), other than hemp, as defined under s. 94.55 (1), or surgery;  
18 to counsel; to advise for the same for the restoration and preservation of health or to  
19 undertake, offer, advertise, announce or hold out in any manner to do any of the  
20 aforementioned acts, for compensation, direct or indirect or in expectation thereof;  
21 and

22           **SECTION 54n.** 450.03 (1) (k) of the statutes is created to read:

1           450.03 (1) (k) A person who sells, gives away, or barter hemp, as defined in s.  
2           94.55 (1), or takes any of the actions described in s. 450.01 (16) (a) to (k) in relation  
3           to hemp.

4           **SECTION 54r.** 450.07 (1) of the statutes is amended to read:

5           450.07 (1) ~~No~~ Except as provided under sub. (1m), no person may engage in  
6           manufacturing in this state unless the person obtains a manufacturer's license from  
7           the board. For the issuance of a license under this subsection, the applicant shall pay  
8           the initial credential fee determined by the department under s. 440.03 (9) (a).

9           **SECTION 54w.** 450.07 (1m) of the statutes is created to read:

10          450.07 (1m) A license is not required under this section for a person to engage  
11          in manufacturing of hemp, as defined in s. 94.55 (1).

12          **SECTION 55g.** 885.235 (1) (d) 5. of the statutes is amended to read:

13          885.235 (1) (d) 5. Delta-9-tetrahydrocannabinol, excluding its precursors or  
14          metabolites, at a concentration of one or more nanograms per milliliter of a person's  
15          blood.

16          **SECTION 55r.** 885.235 (5) of the statutes is created to read:

17          885.235 (5) Notwithstanding sub. (4), in any action or proceeding for a violation  
18          of s. 23.33 (4c) (a) 2m. or (b) 2m., 23.335 (12) (a) 2m. or (b) 2m., 30.681 (1) (b) 1m. or  
19          (2) (b) 1m., 346.63 (1) (am) or (2) (a) 3., 350.101 (1) (bm) or (2) (bm), 940.09 (1) (am)  
20          or (cm) or (1g) (am) or (cm), 940.25 (1) (am) or (cm), or 941.20 (1) (bm), the only form  
21          of chemical analysis of a sample of human biological material that is admissible as  
22          evidence bearing on the question of whether or not the person had  
23          delta-9-tetrahydrocannabinol at a concentration of one or more nanograms per  
24          milliliter of the person's blood is a chemical analysis of a sample of the person's blood.

25          **SECTION 56m.** 939.22 (33) (e) of the statutes is amended to read:

1           939.22 **(33)** (e) Delta-9-tetrahydrocannabinol, excluding its precursors or  
2 metabolites, at a concentration of one or more nanograms per milliliter of a person's  
3 blood.".

4           **8.** Page 20, line 17: after that line insert:

5           **"SECTION 61m.** 961.11 (4g) of the statutes is amended to read:

6           961.11 **(4g)** Notwithstanding sub. (4), if cannabidiol or nabiximols is  
7 rescheduled or deleted as a controlled substance under federal law, the controlled  
8 substances board shall similarly treat cannabidiol or nabiximols under this chapter  
9 as soon as practically possible but no later than 30 days from the date of publication  
10 in the federal register of a final order rescheduling or deleting cannabidiol or  
11 nabiximols or from the date of issuance of an order of temporary scheduling under  
12 21 USC 811 (h). The board shall promulgate, without making the determinations or  
13 findings required by subs. (1), (1m), (1r), and (2) or s. 961.13, 961.15, 961.17, 961.19,  
14 or 961.21, a final rule, for which notice of proposed rule making is omitted,  
15 rescheduling or deleting cannabidiol or nabiximols.".

16           **9.** Page 24, line 12: after "is" insert "renumbered 961.34 (2) and".

17           **10.** Page 24, line 15: delete lines 15 to 18 and substitute "permit under 21 USC  
18 355 (i) for cannabidiol as treatment for a seizure disorder. ~~If the federal food and drug~~  
19 ~~administration issues an investigational drug permit, the controlled substances~~  
20 ~~board shall approve which pharmacies and physicians may dispense cannabidiol to~~  
21 ~~patients~~ medical condition.".

22           **11.** Page 24, line 19: delete "amended to read." and substitute "repealed.".

23           **12.** Page 24, line 20: delete lines 20 to 25.

24           **13.** Page 25, line 2: delete "(a) or (b)" and substitute "~~(a) or (b)~~".

